

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANE DOE,

Plaintiff,

Case No. 05-71735

v.

District Marianne O. Battani
Magistrate Judge R. Steven Whalen

WARREN CONSOLIDATED SCHOOLS,
a Municipal Corporation, et al.,

Defendants.

ORDER

For the reasons and under the terms stated on the record on July 5, 2006, the Motion to Intervene [Doc. #34] is GRANTED IN PART AND DENIED IN PART, as follows:

1. As to the 11 defendants in Docket No. 06-11336, which is pending before Judge Friedman, the motion to intervene is GRANTED. However, these interveners shall be permitted to intervene for the limited purpose of challenging or seeking modification of the protective order entered in the present case. This Order does not address the right of the interveners to obtain discovery of material that is subject to the protective order.

2. As to Joel Vander Linden (referred to as the “citizen intervener”), the motion to intervene is DENIED. Non-similarly situated third parties do not have a general right of

access to or dissemination of protected discovery material generated in the course of a lawsuit, either as a matter of constitutional, statutory, court rule-based, or common law. As distinguished from court orders, opinions, and pleadings and exhibits filed with the court, such material does not constitute a “public document,” and is not part of the public record. Vander Linden may or may not have recourse through the Freedom of Information Act, but he may not circumvent a FOIA action by seeking intervenor’s status under Fed.R.Civ.P. 24(b).

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: July 5, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on July 5, 2006.

S/Gina Wilson
Judicial Assistant